

Message Text

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DRAFTED BY L/SCA:HRGAITHER:EDD

APPROVED BY L/M:KEMALMBORG

ARA/BC/C - MR. A. ISAACS (SUBS)

JUSTICE - MR. J. MURPHY (SUBS)

----- 106633

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FM SECSTATE WASHDC

TO AMEMBASSY SANTIAGO

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E.O. 11652: N/A

TAGS: PFOR, CI

SUBJECT: EXTRADITION TREATY NEGOTIATIONS

REF: SANTIAGO 1030

1. APPRECIATE EMBASSY'S RESPONSE.
 2. DEPARTMENT WILL NOW PROCEED TO SET UP SCHEDULE; HOWEVER SHOULD GOC COME FORTH WITH SPECIFIC DATES IN APRIL, EMBASSY MAY INDICATE INITIAL ACCEPTANCE PENDING CLEARANCE FROM DEPARTMENT. (IT NOW APPEARS MIDDLE OR END OF APRIL WOULD BE SLIGHTLY PREFERABLE.) U.S. NEGOTIATORS WILL SCHEDULE TEN WORKING DAYS. WHILE THE TEN DAYS WILL BE NECESSARY FOR COMPLETION OF DRAFT TEXT, THIS DOES NOT MEAN GOC LAWYERS WILL BE TIED UP FOR SAME PERIOD. PART OF TIME WILL INVOLVE PREPARATION OF DRAFT. THE LIST OF OFFENSES WHICH WE WOULD WISH NEGOTIATE FIRST NEED NOT INVOLVE ALL GOC LAWYERS.
 3. COPIES OF TREATIES WITH PARAGUAY AND URUGUAY BEING POUCHED TO EMBASSY FOR TRANSMITTAL TO GOC. EMBASSY SHOULD NOTE DEPARTMENT FLEXIBLE RE GENERAL APPROACH; HOWEVER, WE
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DO VIEW CERTAIN PROVISIONS IN BOTH URUGUAYAN AND PARAGUAYAN
TREATIES AS PREFERABLE TO ARGENTINE:

(A) ARTICLE 2, SECOND FINAL PARA. (I.E., FOLLOWING
OFFENSE 32) OF URUGUAYAN TREATY AND SAME PROVISION IN PARA-
GUAYAN TREATY. THE PRIMARY IMPORTANCE OF SECOND PARAGRAPH
IS TO INCLUDE CONCEPT OF CATEGORY OF OFFENSES SO AS TO PRE-
CLUDE ARGUMENT THAT IF NAME OF OFFENSE NOT PRECISELY THE
SAME, THE GENERAL ELEMENTS MAY BE DECIDING FACTOR.

(B) ARTICLE 5, SECOND PARA. IN URUGUAYAN TREATY AND
SIMILAR PROVISIONS IN PARAGUAYAN (FOLLOWS SUBPARA. 4 OF
ARTICLE 5). WHILE THIS PROVISION ON THE EXCEPTION TO THE
POLITICAL EXCLUSION CLAUSE IS INCORPORATED IN THE ARGEN-
TINE TREATY, WE PREFER THE NEWER TEXTS AS BEING A CLEARER
EXPRESSION OF THE INTENT. KISSINGER

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*** Current Classification *** LIMITED OFFICIAL USE

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